

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGIA-PACIFIC CONSUMER
PRODUCTS LP,
FORT JAMES CORPORATION, and
GEORGIA-PACIFIC LLC,

Plaintiffs,

CASE No. 1:11-CV-483

v.

HON. ROBERT J. JONKER

NCR CORPORATION,
INTERNATIONAL PAPER CO., and
WEYERHAEUSER CO.,

Defendants.

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FINAL JUDGMENT

For the reasons specified in the Court’s Opinion and Order of September 26, 2013 (ECF No. 432), the Opinion and Order dated August 12, 2015 (ECF No. 787), the Phase II Bench Trial Opinion and Order of March 29, 2018 (ECF No. 921), and the Order entered this day, the Court hereby enters Judgment on the First Amended Complaint of Plaintiffs Georgia-Pacific LLC, Fort James Corp., and Georgia-Pacific Consumer Products, LP (collectively, “Georgia-Pacific”) (ECF Nos. 80 and 81) in favor of Georgia-Pacific and against Defendants NCR Corporation (“NCR”), International Paper Co. (“International Paper”), and Weyerhaeuser Co. (“Weyerhaeuser”), and on the counter-claims and cross-claims of International Paper and Weyerhaeuser (ECF Nos. 91 and 105 respectively). The Court’s judgment is as follows:

1. Georgia-Pacific has incurred \$49,566,881.67 through August 31, 2014 in costs of response that are necessary and consistent with the National Contingency Plan (“NCP”) at the

Allied Paper/Portage Creek/Kalamazoo River Superfund Site (the “Site”) and that are not barred by the applicable statutes of limitations (“Past Response Costs”).

2. Georgia-Pacific, NCR, International Paper, and Weyerhaeuser are liable under CERCLA Section 107, 42 U.S.C. § 9607, for Georgia-Pacific’s Past Response Costs. Pursuant to CERCLA Section 113, 42 U.S.C. § 9613, the Court equitably allocates responsibility for Past Response Costs as follows:

- a. Georgia-Pacific is liable for 40% of the Past Response Costs it has incurred;
- b. NCR is liable for 40% of the Past Response Costs, which is \$19,826,752.67;
- c. International Paper is liable for 15% of the Past Response Costs, which is \$7,435,032.25;
- d. Weyerhaeuser is liable for 5% of the Past Response Costs which is \$2,478,344.08, less \$92,250 (which represents 5% of the Past Response Costs incurred under the 2008 Response Cost AOC, which are time-barred as to Weyerhaeuser only).

3. Georgia-Pacific is entitled to prejudgment interest from NCR in the amount of \$683,913.17 thru May 31, 2018.

4. A declaratory judgment finding all four parties liable under 42 USC § 9607 for future response costs incurred by any party at the Site is hereby entered. The Court is not entering any advance allocation of future response costs because there is too much uncertainty about the costs themselves, the remediation options, and other severability and equitable allocation factors that may unfold over a period of many years.

Dated: June 19, 2018

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE